



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

VB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/027,777 02/23/98 IMMER

H P1614-8019

EXAMINER

HM22/0308

NIKAIDO MARMELESTEIN MURRAY & ORAM  
METROPOLITAN SQUARE  
655 FIFTEENTH STREET N W  
SUITE 330 G STREET LOBBY  
WASHINGTON DC 20005-5701

VANDER VEGT, F

ART UNIT

PAPER NUMBER

1644

14

DATE MAILED:

03/08/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ADDRESS:  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

09/027777

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTY. DOCKET NO.
-----------------	-------------	----------------------	------------------

EXAMINER

ART UNIT

PAPER NUMBER

14

DATE MAILED:

Please find below and/or attached an Office communication concerning the above identified application.

Commissioner of Patents and Trademarks

1. The reply filed on December 23, 1999 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Newly submitted claims 21-33 are directed to inventions that are independent or distinct from the invention originally claimed for the following reasons: claim 1 was drawn to a method of preparing (making) cardiodilatin fragments by condensation of smaller fragments, while new claims 21-27 are drawn to a method of purifying cardiodilatin fragments by elution from HPLC columns and new claims 28-33 are compound claims drawn to cardiodilatin fragments.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. See 37 CFR 1.142(b) and MPEP § 821.03.

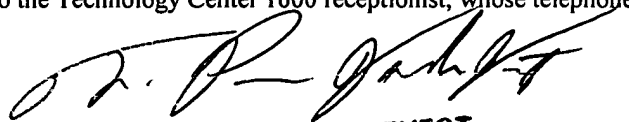
In the paper filed December 23, 1999 Applicant requested the cancellation of claim 1, the only claim previously pending in the case, and the entry of new claims 21-33, presented in the supplemental amendment filed October 8, 1996. Since no claims introduced by the amendment are drawn to the same invention elected by original presentation, the response filed December 23, 1999 fails to address the Office Action mailed June 23, 1999 and is therefore non-responsive.. See 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, Applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. Extensions of this time period may be granted under 37 CFR 1.136(a).

2. Papers related to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. Papers should be faxed to Group 1640 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The fax phone number for official documents to be entered into the record for Art Unit 1644 is (703)305-3014.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to F. Pierre VanderVegt, whose telephone number is (703)305-6997. The Examiner can normally be reached Tuesday through Friday and odd-numbered Mondays (on year 2000 366-day calender) from 6:30 am to 4:00 pm ET. A message may be left on the Examiner's voice mail service. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ms. Christina Chan can be reached at (703)308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist, whose telephone number is (703)308-0196.

F. Pierre VanderVegt, Ph.D.  
Patent Examiner, Technology Center 1600  
March 7, 2000

  
**F. PIERRE VANDERVEGT**  
**PATENT EXAMINER**